

REMARKS

Applicant has carefully reviewed the Examiner's comments set forth in the above-noted Office Action and in response thereto has amended the specification and rewritten the claims to more clearly define Applicant's present invention in light of the cited art.

Attached herewith is a glossary prepared by the Interlocking Concrete Pavement Institute relating to terms commonly used in the pavement construction industry. Goetextiles are defined as woven or non-woven fabrics made from plastic fibers that are used to provide separation, reinforcement and drainage between layers of a pavement. It is Applicant's understanding that the term is widely used and well known throughout the industry.

Applicant's present invention represents an improvement over the invention set forth in the cited '614 patent to Faulkner which is owned by the present Assignee. The Faulkner reference involves a system for providing a level deck over a slopped roof terrace or the like to render the surface more usable for activities involving pedestrian traffic. The Faulkner system establishes a series of polystyrene pedestals on the slopping roof and then, using a hot wire cuts, the pedestals so that the top surfaces of the pedestals lie in a common horizontal plane. Relatively large flat paving blocks are then mounted upon the pedestals to create a level floor capable of supporting the expected load produced by pedestrian traffic.

The large paving block required in the Faulkner system are typically reinforced internally making the block relatively expensive to produce. Because of their size and weight, the paving blocks are difficult to handle and install. By the same token, if one of the blocks is fractured or otherwise harmed, replacing the damaged block has been found to be equally as difficult. In addition, many customers for various reasons prefer the smaller, brick size, pavers over the larger blocks used in the Faulkner system.

Applicant has devised a commercially feasible system in which the Faulkner pedestals can be utilized to create a strong load bearing system for withstanding pedestrian induced loads employing small brick size pavers while at the same time being able to withstand outdoor elements such as rain, ice and snow. To this end, Applicant has placed strong load bearing grates over Faulkner type pedestals and

mounting interlocking pavers on top of the grates to establish a high strength deck that can withstand all types of pedestrian induced loads. Applicant's grates are perforated to lighten the members without appreciably reducing their strength thereby further enhancing the system. In addition, the perforations, in the grates, permit moisture to be quickly carried away from the deck reducing the chance of the system from ice damage. A geotextile blanket is placed between the grates and the pavers to help reinforce the system while at the same time allow water and moisture to pass freely through the system.

The Examiner, in his rejection, categorizes the large size paving blocks used by Falkner as being the equivalent of the high strength grates utilized by Applicant. Applicant respectfully suggest that stacking small pavers on top of the large Faulkner blocks would considerably increase the weight of the system without enhancing its strength and more importantly would create a structure that would readily collect water in the seams between the pavers and the underlying supporting blocks. This water, on cold days could readily freeze and cause severe damage to the system. As noted above, Applicant's system provides for ready drainage of moisture and water thus avoiding this most serious problem.

The cited reference to Cyrus et al. involves a toy employing plastic building blocks that can be snap fastened together to build a terrain type modular structure. The Examiner has cited Fig. 10 of this patent as disclosing a pedestal forming support having "flat grate panels 98" mounted upon the pedestals and a plural of "paving blocks 108" mounted upon the grate panels. Clearly, the element 108 is not a paving block but is described as being the top surface of a tile 98. The tile in turn is arranged to be snap fitted onto an interlocking base containing raised corner columns.

Applicant fails to see how the thin top surface of the tile could possibly be mistaken for a paving block. There is absolutely no similarity between this thin strip of veneer and a brick sized paving block nor is there any teaching or suggestion in the reference that one could be substituted for the other. Likewise, the modular toy block tile 98 could not be recognized by anyone as a perforated high strength grate suitable for use in a load bearing system suitable for use supporting paving brick. It would take someone with more than a vivid imagination to come to this unlikely

conclusion. As pointed out by Cyrus et al., his building blocks are formed of a synthetic polymer ABS which has little if any load bearing properties.

It is respectfully suggested by changing the names of the building block elements in Cyrus et al. does not change a veneer strip of plastic into a paving block nor a toy building block into load bearing grates as herein claimed. It is further suggested that no one faced with the task of building a load bearing deck of the type herein claimed would turn to the non-analogous toy art to determine how this type of structure might be constructed.

As noted by the Examiner, the Focht utilizes a protective material underneath his paving blocks. The protective material contains a first waterproof layer and a second plastic cushioning material. Clearly, the two layers will not let moisture pass through the material and thus is both functionally and structurally difference from the geotextile used by the Applicant which adds strength to the system while letting moisture therethrough.

Smith involves a method of manufacturing a backing material containing a polypropylene scrim fabric 15 that is used as a secondary backing. It is respectfully submitted that this polypropylene fabric is not the equivalent of Applicant's geotextile material in that it will not allow release moisture nor does it have any appreciable strength.

For the reasons stated above, it is respectfully submitted that the reference taken alone or in combination fail to obviate Applicant's claimed invention and the Examiner is respectfully requested to pass the case to issue.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

If the Examiner believes that contact with Applicant's attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicant's attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0289.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

"VERSION WITH MARKINGS TO SHOW CHANGES MADE."

In the Specification:

Paragraph beginning at line 18 of page 4 has been amended as follows:

Turning now to Figs. 4-6, a series of rectangular grate panels 50 are mounted so that the four corners of each panel rests upon the top surface of four pedestals that reside in adjacent rows and columns. The pedestals are spaced apart in the rows and columns on equal centers so that the corners of the panels come together at the center of the pedestals to establish a subfloor. The pedestals in the outermost rows and columns may be cut along the center axis of the row or column so that the edges of the edge pedestals 53 (Fig. 4) are parallelly aligned with the outer edges of the overlying panels. In this way, the panels can be brought in close alignment with the sidewalls of a terrace or balcony that form the perimeter of the substructure. Preferably, the panels are placed in edge to edge contact upon the pedestals or alternatively, a cruciform joint divider [such as that depicted at 43 in Fig. 4] can be used to help space and align the grate panels in assembly. The grate panels can be made of any suitable material such as steel, aluminum, plastic or fiberglass, depending upon the specific deck application and its intended load carrying capability. Each grate panel contains a series of perforations 52-52 that pass downwardly through the top and bottom surfaces of the panels which reduce the weight of the panels without substantially reducing the load carrying capacity of the system. Although the perforations are shown as being square shaped and parallelly aligned, the perforations can be almost any shape and can be placed in any suitable pattern which will not adversely effect the panel's load carrying capacity.

In the Claims:

Claims 1-12 have been cancelled.

Claims 13-17 have been added.